IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.7369 of 2006

Chatrapati Shahu Central
Institute of Business, Education
and Research, Kolhapur. Petitioner.

vs

Shivaji University, Kolhapur& Ors. ..Respondents

Mr. P.K. Dhakephalkar, Senior Advocate
with Mr. S.S. Patwardhan for the petitioner.
Mr. R.G. Ketkar for respondent No 1
Mr.Rui Rodrigues for respondent No. 2

CORAM: H.L.GOKHALE, Acg C.J. ,
& V.M.KANADE, J.

DATE: JANUARY 15, 2007.

P.C.:-

Heard Mr Dhakephalkar, Senior Advocate appearing for the petitioner, Mr. Ketkar for respondent No.1 and Mr. Rodrigues for respondent No.2.

2. The petitioner is an institute which is running the course in Business, Education and Research. It wants to start two courses, one which will give degree in the faculty of M.Sc

(Environmental Science and Management) and the other one in M.Sc (Computer Science and Management).

3. The first respondent University has declined to grant any such permission. They have written letter dated 4th October, 2006 stating therein clearly that as far as the petitioner's institute is concerned it is an institute falling under commerce faculty and as far as the faculty of Environmental Science and Management and M.Sc. Computer Science and Management are concerned these courses are falling under two different categories since they are not equivalent. Therefore, as far as the faculty of Science is concerned that is not a degree which may be permitted to be given by the petitioner institute. As far as the computer science is concerned the stand of the University is that that is falling under science faculty and not commerce faculty and such course has not been permitted by the University in its letter dated 30th October, 2006. Both these letters are under challenge in this petition.

4. Mr. Dhakephalkar appearing for the petitioner submits that under the guidelines of the UGC for 10th Plan autonomus is to be brought about to the extent possible for academic development of individual institute. He has referred to the

guidelines framed by the University in this behalf. The fact remains that section 89 of the Maharashtra Universities Act, 1994 is the governing section. Sub-section (3) of the said Act provides that an autonomus institute can prescribe its own courses of study, evolve its own teaching methods and hold examinations and test for students etc. However, sub-section (3 is controlled by sub-section (2) and sub-section (2) is controlled by sub-section(1). This sub-section (1) states that a University department or institution, affiliated college or recognised institution may apply to the University for grant of autonomous status. It prescribes that it is the department or the affiliated college or recognised institution having expertise in a particular area has to be granted autonomous status. The said section further state that the Management Council on the recommendations of the Academic Council may confer the autonomous status. Obviously autonomous status will come into operation only after completion of the aforesaid requirement of section 89 of the said Act and not otherwise. The petitioner has not applied to the University in this behalf so far. There is nothing wrong in the decision arrived at by the University.

The petition is rejected.

ACTING CHIEF JUSTICE

V.M.KANADE J.